

REMARKS

This response is submitted after final rejection because Applicants believe that all claims in this application are in condition for allowance. In any event entry of this response will place the application in better form for appeal. Applicants have raised no new issues and added no new matter. Finally Applicants are presenting arguments that directly respond to points raised by the Examiner in the last office action and Applicants could not have filed this response at an earlier date.

The Examiner has finally rejected all claims in the case as obvious in view of the same combination of four prior art references as previously applied. The Examiner does not agree that the claims are patentable over the combination of prior art references, previously cited, notwithstanding the novel structure of Applicants' hybrid silicone composite powder having two interconnecting polymer networks, where one polymer is PMS and the other is PMSQ, and where the polymer networks are held together solely by a physical bond. Furthermore the Examiner has considered the Declaration Under 37 CFR 1.132 of Applicant Dr. James Wang, but refuses to agree that the data therein provide any evidence that the new hybrid silicone composite powder has any properties that are surprising and unobvious.

Because the Examiner does not agree that the hybrid silicone composite powder is patentable over the cited prior art, she will not agree to examine any of claims 37 to 47 that Applicants added directed to specific cosmetic compositions and to a method of preparing the hybrid silicone composite powder and so the Examiner has withdrawn these claims from further consideration as directed to a non-elected invention.

At the bottom of page 5 of the office action, the Examiner argues that the fact that the claims to Applicants' new hybrid silicone composite powder with the PMS and PMSQ interpenetrating polymer network, state, when added to cosmetic compositions, imparts a smooth feeling on the skin, is irrelevant because the prior art compositions if they are capable of performing the same intended use, meet the claims and so Applicants' claimed invention is obvious. The Examiner states on page 5 of the office action, at the bottom: "The intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this instance, the structure made obvious by the prior art references would be capable of performing the intended use. Therefore these arguments regarding the intended use of the claimed powder do not overcome the prior art."

Applicants strongly disagree with each and every statement set forth by the Examiner in this regard for the following reasons:

1. Applicants' novel hybrid silicone composite powder having a spherical shape with a particle diameter of 2 to 10 microns, and comprising two interpenetrating polymer networks: PMS and PMSQ is structurally very different from any prior art composition disclosed in any single reference applied by the Examiner. Specifically the presently claimed novel silicone composite powder comprising two interpenetrating polymer networks of PMS and PMSQ does not fall within the scope of the FINBERG et al reference, nor is the powder suggested by the disclosure in FINBERG et al, taken alone or in combination with HALLORAN et al, SANDERS et al and LAMAZE et al.

2. The combination of the FINBERG, et al, HALLORAN et al, SANDERS et al, and LAMAZE et al references would not lead to the Applicants' novel hybrid silicone composite powder because the disclosure in FINBERG of the polymer networks comprising PMS and a "second polymer" as any polymer amounts to a mere "shotgun" or "broadcast" disclosure entitled to little weight especially since FINBERG discloses no "second polymer" remotely similar to PMSQ, and there is nothing in FINBERG that would point one "skilled in the art" to PMSQ as the "second polymer."

3. The combination of the FINBERG, et al, HALLORAN et al, SANDERS et al, and LAMAZE et al references would not lead to

the Applicants' novel hybrid silicone composite powder because the suspension polymerization process disclosed in FINBERG et al on page 6, lines 19 to 27 would not enable one to obtain Applicants' hybrid silicone composite powder having a spherical shape with a particle diameter of 2 to 10 microns, and comprising two interpenetrating polymer networks: PMS and PMSQ Applicants use emulsion polymerization, and not suspension polymerization to prepare their hybrid silicone composite powder. Applicant Dr. James Wang will directly develop this position further along in this response.

4. Even if the combination of FINBERG, et al, HALLORAN et al, SANDERS et al, and LAMAZE et al would enable those skilled in the art to prepare the Applicants' novel hybrid silicone composite powder, it would be improper to combine these references to arrive at the presently claimed invention because one : "skilled in the art" would not be motivated to combine these reference because of the differing utilities (intended uses) for each of the compositions disclosed in the references. The Examiner should take into account the intended use of the Applicants' novel hybrid silicone composite powder having a spherical shape with a particle diameter of 2 to 10 microns, and comprising two interpenetrating polymer networks: PMS and PMSQ, as an ingredient for a cosmetic applied to the skin, to impart a smooth feeling on the skin, as well as the novel structure of the hybrid silicone composite

powder, as well as the issue of whether the prior art enables the preparation of Applicants' hybrid silicone composite powder, and whether the ordinary skilled worker in the art would be motivated to combine all of the prior art references to arrive at the present invention.

The Examiner believes that the Applicants' hybrid silicone composite powder falls within the scope of the FINBERG et al disclosure. In other words the Examiner argues that FINBERG et al includes a broad disclosure of compositions with interpenetrating polymer networks and Applicants' new hybrid silicone composite powder fits within that disclosure. The Examiner argues that the FINBERG et al reference discloses interpenetrating polymer network compositions having PMS as one interpenetrating polymer and a second organic polymer that can be any polymer, including PMSQ, though of course PMSQ is not mentioned in the reference.

The Examiner's analysis, however, is not correct. FINBERG et al includes only a "broadcast disclosure" or "shotgun disclosure" of a second organic polymer. See claim 1 of the reference. All of the examples in FINBERG et al are directed to vinyl and vinylidene addition polymers, with no indication or suggestion that these polymers would be silicone polymers. There is no disclosure or suggestion of any polymer that is even remotely

structurally similar to PMSQ, which is not a vinyl or vinylidene polymer and is not an addition polymer.. In fact Applicants have already expressed their doubts that PMSQ is even an organic polymer because it includes a silicone backbone and not a carbon backbone. At the bottom of page 7 of the office action, the Examiner disagrees with Applicants' argument that PMSQ is not an organic polymer. However, even if Applicants agree that PMSQ is an organic polymer (which they do not), there is absolutely nothing disclosed in FINBERG et al that points to PMSQ as the second organic polymer. In addition the utility given in FINBERG et al for the compositions disclosed therein on page 3, lines 13 through 16 reads as follows:

"The compositions of the present invention may be produced in the form of a pourable gel for preparing films, coatings, and castings, or dried beads and pellets for molding and extruding. Homogeneous compositions according to the invention may be prepared to produce optically clear compositions for contact lenses and other medical and optical uses"

Applicants believe that these utilities are far removed from the utility of the presently claimed hybrid silicone composite gels as ingredients for cosmetics to improve the feel of the cosmetic on the skin. Therefore FINBERG et al is really a "broad cast disclosure" of compositions that contain PMS and a second

organic polymer that are useful for preparing films, coatings and castings, or dried beads and pellets for molding and extruding, in particular for making contact lenses. Because the reference discloses no similar second polymer to Applicants' PMSQ and discloses no similar utility to Applicants' use as a cosmetic ingredient for improving the feel of the cosmetic on the skin, the reference is not such a close reference at all. Therefore Applicants do not agree with the Examiner's argument at the bottom of page 7 of the office action that the FINBERG et al disclosure encompasses Applicants' invention, irrespective as to whether PMSQ is considered an organic polymer or not. See Ex parte Strobel and Catino, 160 USPQ 352 (Bd. App. 1968) as support for Applicant's argument.

The Examiner has found two new references, namely, TUNCCEL et al and DE GRAZIA et al (copies enclosed) that she argues show that suspension polymerization as disclosed in FINBERG et al can be used to prepare spherical beads and spherical particles. Applicants assert, however, that the suspension polymerization in FINBERG et al cannot lead to the preparation of the Applicants' hybrid silicone composite powder having a particle size of 2 to 10 microns, and that one "skilled in the art" after reading TUNCCEL and DE GRAZIA et al would certainly reach this conclusion. Applicants use emulsion polymerization, not suspension polymerization to prepare the presently claimed powders. Suspension polymerization

is known in the art from TUNCEL et al and DE GRAZIA et al to result in powders having a particle size much larger than 2 to 10 microns. See page 1127, left-hand column, last paragraph of TUNCEL which discloses for the powders prepared using suspension polymerization having a particle size range of 40 to 200 μm and see the Introduction of DE GRAZIA et al, page 793, left-hand column disclosing a particle size range of 200 to 600 μm for powders prepared by suspension polymerization. Applicant Dr. James Wang already explained this important aspect of the invention during the personal interview held 13 January 2009 with the Examiner and will develop this aspect of the invention later on in this response.

The Examiner then goes on to argue that one "skilled in the art" would routinely combine FINBERG et al with HALLORAN et al. HALLORAN et al discloses compositions that contain PMSQ and a substituted vinyl copolymer. See col. 9, lines 13 to 32 of the reference. While Applicants' PMS is a substituted vinyl copolymer as well, PMS is also a silicone polymer and there is no disclosure or suggestion anywhere in HALLORAN et al that the substituted vinyl polymer could be PMS or any other silicone polymer. Furthermore the utility of the HALLORAN et al compositions as a hair fixative is far removed from the utility of Applicants' compositions to improve the feel of a cosmetic on the skin, and far removed from the utility of the FINBERG et al compositions as a material for making contact lenses and as a coating agent. Thus there is

nothing in the disclosure of either FINBERG et al, HALLORAN et al or the combination of these references to suggest that Applicants' new hybrid silicone composite powder would be useful to improve the feel of a cosmetic on the skin.

Applicants do not agree that the combination of these four references motivates in any way one skilled in the art to prepare the presently claimed new hybrid silicone composite powders since Applicants find no motivation in the prior art to combine these four references for any purpose at all, let alone to improve the feel of cosmetics on the skin. On page 6 of the office action the Examiner gives a brief analysis of the FINBERG, et al, HALLORAN et al, SANDERS et al, or LAMAZE et al references and concludes that the combination of these four references would lead an inventor to prepare Applicants' new hybrid silicone composite powder with the PMS and PMSQ interpenetrating polymer network.

The Examiner's analysis provides no reason for one skilled in the art to combine FINBERG et al and HALLORAN et al for any purpose at all to arrive at the Applicants' new hybrid silicone composite gel because the FINBERG et al compositions have a utility far removed from the utility of the HALLORAN et al compositions. There must be some articulated reason why one "skilled in the art" would combine a reference such as FINBERG et al that discloses compositions containing PMS and a second unrelated polymer for

forming films with gas permeability and beads for molding plastics, useful for making contact lenses, with HALLORAN et al, which discloses compositions containing PMSQ and a second unrelated polymer for providing hair fixatives, to employ PMSQ as the "second organic polymer" according to FINBERG et al to arrive at Applicants' hybrid silicone composite powder containing both PMS and PMSQ interpenetrating polymer networks. The Examiner has merely made the conclusory statement that FINBERG et al discloses compositions containing PMS and HALLORAN et al discloses compositions containing PMSQ so that it would be obvious from the combination of these references to prepare Applicant's hybrid silicone composite powder containing both PMS and PMSQ. See KSR International Co. V. Teleflex, Inc. , 82 USPQ 2d 1385 (CAFC 2007) which held that rejections on obviousness grounds cannot be sustained by mere conclusory statements, instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Applicants also cite In re Taborsky, 183 USPQ 50 (CCPA 1974) and Takeda Chemical Industries Ltd. V. Alphapharm Pty. Ltd., 83 USPQ 2d 1169 (CAFC 2007) as legal precedent to support the position that there must be some reason, such as motivation, to combine prior art references.

The Examiner has tried to tie together the FINBERG et al and HALLORAN et al references with SANDERS et al. The Examiner argues that the fact that the SANDERS compositions are prepared by

reacting a siloxane polymer with a silsesquioxane to prepare their compositions whereas Applicants do not carry out such a reaction is irrelevant because the presently claimed invention is a product and not a process to prepare the product. The Examiner is entirely incorrect here because the fact that the SANDERS composition includes the reaction product of a siloxane polymer with a silsesquioxane distinguishes the product disclosed therein from Applicants' presently claimed product where the PMS and PMSQ networks do not react with one another chemically, but instead are held together by physical entanglements on a molecular scale, without chemical bonding between them. Furthermore the SANDERS et al compositions which contain the reaction product of a siloxane polymer with a silsesquioxane, along with a Bisphenol A -co-epichlorohydrin glycidyl end capped component and an active hydrogen compound, such as an aliphatic polyamine, are used as coatings to protect mechanical parts from erosion. Thus SANDERS et al discloses compositions far removed from those of Applicants' claimed invention in terms of structure and far removed from those of their invention in terms of utility as well. Thus Applicants hold to their position set forth on pages 11 and 12 of their amendment of 6 January 2009 regarding SANDERS et al, either per se or in combination with FINBERG et al and HALLORAN et al.

Combining FINBERG et al, HALLORAN et al and SANDERS et al with LAMAZE et al still will not lead to the presently claimed

invention. The LAMAZE et al compositions are mere mixtures of PMS and PMSQ used as protective coatings for aluminum. Applicants have made it clear that their hybrid silicone composite powders with interpenetrating polymer networks of PMS and PMSQ held together by only physical entanglements are not a mere mixture of PMS and PMSQ. To prepare Applicants' hybrid silicone composite powders, Applicants must first prepare the PMS using a hydrosilation reaction between an alkenyl silicone and a hydrogen silicone with a Karstedt catalyst to form an emulsion, and then either during or after the hydrosilation, add the methyltrialkoxysilane starting material in the presence of an aqueous ammonia catalyst. Then Applicants raise the temperature to promote hydrolyzation-condensation of the methyltrialkoxysilane to form the PMSQ, which then results in the PMS and PMSQ interpenetrating polymer networks held together with a physical bond, which is then diluted with water to obtain the present composition. Once again Applicants' hybrid silicone composite powder is different from the mere mixture of PMS and PMSQ disclosed in the reference and the utility for the hybrid silicone composite powder to improve the feel on the skin of a cosmetic is completely different from providing a coating to protect aluminum. One "skilled in the art" would not be motivated to combine FINBERG et al, HALLORAN et al, SANDERS et al and LAMAZE et al because all four of these references are highly divergent in terms of both the structures of the polymers disclosed therein and the utility of the compositions containing those polymers.

Thus Applicants see no motivation for one skilled in the art to combine these four references to arrive at the presently claimed hybrid silicone composite powders with the expectation that the product would have a particle size in the 2 to 10 micron range and high viscosity and would impart a feeling of smoothness on the skin when the hybrid silicone composite powder is included as an ingredient in the cosmetic composition. Nor do Applicants see any other basis for motivating one skilled in the art to combine these four references to arrive at the hybrid silicone composite powder with any particular expectation of any utility.

Applicants strongly disagree with the Examiner's assertion that the intended use of the Applicants' hybrid silicone composite powders is irrelevant to the question of patentability over the cited combination of references. The Examiner should take into account both the structure and the intended use of the Applicants' novel hybrid silicone composite powder having a spherical shape with a particle diameter of 2 to 10 microns, and comprising two interpenetrating polymer networks: PMS and PMSQ, as an ingredient for a cosmetic applied to the skin, to impart a smooth feeling on the skin, as well as the structures and utilities for the compositions set forth in each of the FINBERG et al, HALLORAN et al, SANDERS et al and LAMAZE et al references to determine whether the cited combination of references provides a basis for the obviousness of the presently claimed invention.

Since none of the cited prior art references discloses a composition that serves as an ingredient for a cosmetic applied to the skin, to impart a smooth feeling on the skin, and since the two primary references FINBERG et al and HALLORAN et al have widely divergent utilities as respectively feedstocks for molding or extrusion and as hair fixatives, as explained hereinabove, the intended use of the Applicants' presently claimed hybrid silicone composite powder is highly relevant to the issue of whether the ordinary skilled worker in the art would be motivated to combine all of the prior art references to arrive at the present invention.

Applicants also do not agree with the Examiner's analysis of Dr. Wang's Declaration Under 37 CFR 1.132. The reason why Applicants submitted the declaration was to show the Examiner that merely mixing the PMS and PMSQ does not form the hybrid silicone composite powder according to the present invention with the PMS and PMSQ interpenetrating polymer networks held together solely by physical entanglements. The Examiner states that after reading the specification and the Declaration Under 37 CFR 1.132, anyone skilled in the art would expect that merely mixing PMS and PMSQ to obtain a powder, and then blending the powder with a volatile cosmetic fluid, would not yield the same result that Applicants obtain by preparing a hybrid silicone composite powder comprising two interpenetrating polymer networks of PMS and PMSQ, having a spherical shape and a small particle size, and then adding a

volatile cosmetic fluid to form a silicone gel, which is highly useful to add to a cosmetic composition to improve the feel of the skin. If merely mixing PMS and PMSQ would obviously give a different result from the result that Applicants obtain, why then did the Examiner cite the LAMAZE et al reference as highly relevant prior art, when the LAMAZE et al compositions include mere mixtures of PMS and PMSQ in preparing the compositions for protectively coating aluminum? If the Examiner accepts that merely mixing PMS and PMSQ gives a completely different result from the hybrid silicone composite powder that Applicants prepare according to the present invention, why then does she continue to apply the LAMAZE et al reference. as a basis for the obviousness of the present invention when LAMAZE et al merely discloses mixtures of PMS and PMSQ and not interpenetrating polymer networks? Obviously the blends of PMS and PMSQ are very different from the presently claimed invention.

Applicants assert that a compound or a composition and its properties are inseparable. See In re Papesch, 137 USPQ 43 (CCPA 1963) which held essentially that proof of existence of unobvious or unexpected beneficial properties in a new compound, which would otherwise appear to be obvious, is indicative of the presence of invention and patentability. Applicants do not agree that the combination of the prior art references provides even a prima facie basis for the obviousness of the presently claimed hybrid silicone composite gel with its two interpenetrating polymer

networks of PMS and PMSQ and its 2 to 10 μm particle size. However, even if Applicants were to concede that their hybrid silicone composite powder is prima facie obvious in view of the cited combination of prior art references, Applicants have submitted evidence that shows that the product has a much higher viscosity than a mere mixture of the PMS and the PMSQ and surprisingly superior properties as an additive for cosmetics to improve the feel of the cosmetics on the skin. None of the four references: namely, FINBERG, et al, HALLORAN et al, SANDERS et al, nor LAMAZE et al discloses individually a composition similar to Applicants' composition and none of these references teaches or suggests that the compositions disclosed in the references have the ability to impart a smooth feeling on the skin when included as a cosmetic ingredient. Therefore the intended use of the hybrid silicone composite powders as an ingredient for a cosmetic applied to the skin, as stated in Applicants' claims should be considered.

In view of the above Applicants believe that claims 25, 28, 35 and 36 are allowable over the cited combination of prior art references.

Applicant Dr. James Wang now has the following direct comments concerning the Examiner's rejection of the claims in view of the cited combination of references, and in particular to the Examiner's assertion that suspension polymerization and emulsion polymerization are essentially equivalent processes for the

preparation of hybrid silicone composite powders having a spherical shape and a particle size of 2 to 10 microns.

It is unfortunate that the Examiner does not recognize the unique character and differences in each of four popular polymerization techniques disclosed in the prior art references so as to keep thinking that our invention can be done in a suspension polymerization as mentioned in the prior art. I would like to outline the major differences between suspension and emulsion polymerizations below:

Suspension polymerization:

1. Monomers and resulting polymer are not soluble in water (water is media for simplicity). There are a water phase and an organic phase throughout the polymerization process.
2. Monomers are mechanically dispersed to droplets and must be kept far apart to prevent flocculation and aggregation.
3. The volume ratio of monomers to water is usually from 1:10 to 3:10. A higher ratio will result in flocculation.
4. Suspension agents and stabilizers, such as polyvinyl alcohol and tricalcium phosphate, are used to suspend and stabilize monomer droplets.
5. The droplet sizes determine the size of the resulting polymer beads. Generally, the size range of polymer beads produced by this technique is from 50 -5000 microns with a broad particle size distribution.

6. Suspension polymerization generally produces resin beads of varying shape from nearly spherical to random shapes such as commercial polystyrene resin beads and PVC beads.

7. The initiator is generally oil soluble, or soluble in monomers such as AIBN and benzoyl peroxide.

Emulsion polymerization:.

1. Monomers are not soluble or slightly soluble in water (same as above).

2. Monomers emulsified to micelles in water (difference in dispersing phase structure).

3. The volume ratio of monomers to water is as high as 15:10 (difference in volume ratio).

4. Emulsifiers are required (no comparison).

5. The micelle size is generally from 0.05 to 5 microns and the resulting polymer beads size is from 0.05 to 5 microns (difference in particle size range).

6. Emulsion polymerization products are polymer resin beads of spherical shape (difference in shape generally).

7. The initiator is generally water soluble such as ammonium persulfate (difference in solubility of initiators).

Can we make the spherical hybrid silicone elastomer powder of our invention by suspension polymerization process?

My answer is NO for two main reasons below:

1. As one of the monomers, methyltrimethoxysilane, can hydrolyze with water, it should be emulsified into micelles that are surrounded by emulsifier molecules. In suspension polymerization, methyltrimethoxysilane droplets would be surrounded by water molecules although they are kept away from each other by dispersing agent molecules such as polyvinyl alcohol. If the reaction with water happens, 1PN structure cannot be successfully prepared.
2. Suspension polymerization cannot be used to produce 0.5-5 micron spherical polymer powders of uniform size distribution according to our present invention. This method is only useable to make from beads with a particle size of 50 to 5000 microns with a non-uniform size of varying shapes.

The Examiner has simply ignored the important facts:

1. The four patents of the prior art applied by the Examiner in combination against the claims have no connection with cosmetic products, and do not envision the significance of hybrid silicone composite powders of our invention of such a small particle size and perfect spherical shape with unique properties for cosmetic applications.
2. The powder of our invention has been widely accepted and used in the cosmetic industry since we filed this patent application. Our production of this powder is over 30,000 lb per year now and is expected to continue to grow.

3. So far, we have not seen a similar or the same powder material of our invention supplied by other companies for either the cosmetic industry or for any other industries.

4. In particle science and technology, the particle size, shape and distribution are just as important structure parameters as the formula of chemical compounds. For a given chemical structure, particles of a size from a nanometer to a micron or to a millimeter show significant difference in properties and usages. In short, they are not the same materials, nor is our presently claimed invention the same hybrid silicone composite as disclosed in the prior art.

Comments on the Two Articles:

Suspension polymerization of poly(ethylene glycol)methacrylate: a route for swellable spherical gel beads with controlled hydrophilicity and functionality

This TUNCEL article discloses a method to prepare PEG-MA gel beads in the size range 40-200 microns by suspension polymerization as shown in Tables 3, 4, 5, 6. The author also indicated that smaller latex beads have been prepared by emulsion polymerization by other researchers on Page 1127:

" Although the synthesis of latex beads by the emulsion polymerization processes conducted in the presence of PEG-MA has been extensively investigated, the studies

on the synthesis of PEG-MA-based large polydisperse particles-especially by suspension polymerization-were very limited."

The author's purpose was to make large gel beads having a particle size of 40-200 microns with PEG-MA with crosslinker EGDMA or DVB and to investigate the effects of varying the ratio of PEGMA/EGDMA and PEG-MA/DVB as well as the ratio of diluent/PEG-MA. The concentration of the monomer and crosslinker is only about 10% with the remaining. 90% being diluents and water. This process cannot be used to produce beads of 2-10 microns and besides the process is not a practical industrial process since the process has such low productivity and yield.

Note: The emulsion polymerization of our invention has over 60% monomer concentration and produces nearly 100% yield of a product of uniform spherical powder of 2 -10 microns in size.

Settling Characteristics of Microoarticles Modified by Hydrophilic Semi-Interpenetrating Polymer Networks

The DE GRAZIA et al article discloses the preparation of semi-IPNs of hydrophilic polymer particles by suspension polymerization followed by soaking the dry particles in polyethylene glycol solution. Some linear polyethylene glycol is partially soaked through the particles and partially coated on the surface. It is claimed as a semi-IPN structure capable of increasing suspending

time in water to separate aqueous pollutants. The first step involves preparing micro particles of 355-600 microns (see Table II) by suspension polymerization and the recovery of the particles by purifying with acetone and drying. The second step is a simple mixing of the dry powder with polyethylene glycol solution over 48 hrs followed by filtering, washing with acetone (non-solvent) and drying.

As in the above reference, the particle size in this process is two orders higher than what our invention discloses and claims, and the semi-penetration of polyethylene glycol is not a crosslinked network. Our second network, PMSQ, is a fully crosslinked network.

The IPN concept exists for many years in polymer science. With this concept, we can develop many novel materials with unique characters and properties. It seems to me that the Examiner is rejecting our novel material invention because of the existence of other IPN materials. This article has really nothing to do with our invented material.

Also, I think the Examiner wants again to assert that suspension polymerization can be used to make spherical particles. I say YES for spherical powders having a particle size 50-5000 microns, but No for 2- 10 microns. Based on the above, it is clear from the disclosure in TURCEL et al and DE GRAZIA et al, that the suspension polymerization process disclosed in FINBERG et al, does not yield a hybrid silicone composite powder having particles with a diameter of 2 to 10 μm .

In view of the above, I believe that none of claims 25, 28, 35 and 36 now presented should be rejected as obvious under 35 USC 103 in view of the cited prior art.

Applicants believe that their hybrid silicone composite powder having a spherical shape with a particle size diameter ranging from 2 to 10 microns, comprising PMS and PMSQ interpenetrating polymer networks as an ingredient for cosmetics according to claims 25, 28, 35 and 36 is patentable over the cited combination of prior art references. Furthermore this aspect of

the Applicants' invention serves to link claims 25, 28, 35 and 36 with claims 37 through 47, all of which incorporate the hybrid silicone composite powder of claims 25, 28, 35 and 36. Thus Applicants ask that the Examiner rejoin claims 37 through 47, and that all claims be allowed.

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Enclosure:
None.